

7A Am. Jur. 2d Automobiles § 402

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Automobiles and Highway Traffic

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V. Traffic Regulations; Offenses Regarding Vehicles, Driving, Licensing, and Registration

M. Other Offenses

§ 402. Malicious mischief

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West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  348

Statutes generally setting forth the offense of malicious mischief apply to the injury to or destruction of a motor vehicle.¹ One may be guilty of malicious or criminal mischief when he or she drives a motor vehicle and is aware of and ignored a substantial and unjustifiable risk of damaging the another vehicle.² A defense of delusion from cocaine induced paranoia fails where the evidence shows the defendant to be in full control of the vehicle used to ram another.³

In a prosecution for malicious mischief involving a motor vehicle, it is not essential to show that the defendant knew who owned the vehicle, or was motivated by a spirit of personal hostility toward the owner; it is enough to show that the defendant intended willfully and maliciously to destroy the motor vehicle of another.⁴ The lack of privilege to tamper with the property of another is an essential element of the crime of criminal mischief and must be proven by the prosecution before the defendant has a burden of going forward.⁵

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Footnotes

- 1 [Williams v. State](#), 92 Fla. 648, 109 So. 805 (1926); [State v. Davis](#), 88 S.C. 229, 70 S.E. 811 (1911).
- 2 [People v. Sanchez](#), 52 Misc. 3d 882, 34 N.Y.S.3d 565 (N.Y. City Crim. Ct. 2016).
- 3 [State v. Pierce](#), 682 N.W.2d 82 (Iowa Ct. App. 2004).
- 4 [Commonwealth v. Hosman](#), 257 Mass. 379, 154 N.E. 76 (1926).
- 5 [State v. Isaac](#), 44 Ohio Misc. 87, 73 Ohio Op. 2d 331, 337 N.E.2d 818 (Mun. Ct. 1975).

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